

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) **Case No. 08-3119-01-CR-S-GAF**
)
)
EDWARD LEE RAIFSNIDER,)
)
)
Defendant.)

ORDER

Now pending before the Court is Defendant's Motion to Dismiss the Indictment as a Breach of Defendant's Earlier Plea Agreement with the Government in *U.S. v. Edward Raifsnider*, Case No. 03-05017-01-CR-SW-GAF (Doc. #63).

On October 23, 2009, Chief United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. #72). On November 20, 2009, Defendant's Objections to the Report and Recommendation (Doc. #77) were filed.

Upon careful and independent review of the pending motion, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss the Indictment as a Breach of Defendant's Earlier Plea Agreement with the Government in *U.S. v. Edward Raifsnider*, Case No. 03-05017-01-CR-SW-GAF (Doc. #63) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: January 20, 2010